

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DENNIS MONTGOMERY, et al.,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, LLC., et al.,

Defendants.

3:06-CV-0056-PMP (VPC)

ORDER

Attorney Michael Flynn (“Mr. Flynn”), former counsel for Dennis Montgomery and the Montgomery Family Trust (“Montgomery parties”), filed a motion for sanctions pursuant to (a) 28 U.S.C. §1927; and/or (b) the inherent power of the court; and/or (c) LR IA 4-1 (#s545-557). This motion is fully briefed (#s 593, 595- 603, 632, 633, 635, 637-638).

The Montgomery parties sought to seal and strike Mr. Flynn’s motion and accompanying documents on the grounds that the motion for sanction and the companion Rule 3.3 motion violated the attorney-client privilege and compromise the Montgomery parties’ ability to defend claims alleged by eTreppid and to prosecute their claims (#s 566-568 and 571). Finding good cause existed to warrant sealing the papers, this court entered an order sealing all papers filed in connection with the motion for sanctions and also found that good cause existed to seal these papers, as well as the parties’ responses, pending further order of the court (#746). The court also ordered that although counsel for the parties may retain copies of these documents, they are to be treated as “attorney’s eyes only.” *Id.*

The court has determined that an evidentiary hearing shall be set to consider Mr. Flynn’s motion for sanctions.

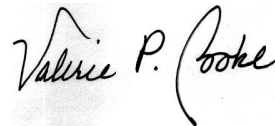
IT IS THEREFORE ORDERED AS FOLLOWS:

1. This hearing is set for one day, **Thursday, August 21, 2008 at 9:00 a.m.** before United States Magistrate Judge Valerie P. Cooke, 400 S. Virginia Street, Reno, Nevada.

2. Because the court entered its earlier order sealing the papers filed in connection with this motion, the evidentiary hearing shall be sealed.
3. The evidentiary hearing will address *only* the following matters:
 - A. Dennis Montgomery's September 10, 2007 declaration (#261) and matters related thereto; and
 - B. The Montgomery parties' litigation against Mr. Flynn in Los Angeles Superior Court, their filing of a fee arbitration petition in San Diego, California, and their filing a Massachusetts bar complaint as these matters pertain to this court's orders (#s 256, 291 & 296).
4. Dennis Montgomery shall appear in person to testify concerning these matters.
5. Michael Flynn, Esq., Deborah Klar, Esq., and Terri Pham, Esq. shall attend the hearing in person and shall be prepared to address the court concerning these matters.
6. Counsel for eTreppid Technologies, LLC, Warren Trepp, Atiego, LLC, Michael Sandoval, and the United States may attend this hearing, but must appear *in person*.

IT IS SO ORDERED.

Dated: July 25, 2008.



UNITED STATES MAGISTRATE JUDGE